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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Magistrate Docket No. 68 MAY 30 AM 9:53

Plaintiff,

v.

Miguel Angel GARCIA-Duarte,

Defendant

CLERK, 1908 MJ 1705
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

CLEVER 100 MJ 1703

'08 MJ 17

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The undersigned complainant, being duly sworn, states:

On or about **May 29, 2008**, within the Southern District of California, defendant, **Miguel Angel GARCIA-Duarte**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF May 2008

J. D. Parker

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Miguel Angel GARCIA-Duarte***TW***PROBABLE CAUSE STATEMENT**

On May 29, 2008, Supervisory Border Patrol Agent M. Noland was performing assigned duties in the Campo Border Patrol Station area of responsibility. Agent Noland responded to a sensor activation located approximately 18 miles east of the Tecate, California Port of Entry and approximately 16 miles north of the United States/Mexico International Boundary.

After a search of the area Agent Noland encountered seven individuals attempting to conceal themselves in the surrounding brush. Agent Noland identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship and nationality. All seven, including one later identified as the defendant **GARCIA-Duarte, Miguel Angel**, admitted to being citizens of Mexico without any immigration documents that would allow them to be in or remain legally in the United States legally. At approximately 7:50 a.m., Agent Noland placed all seven under arrest and made arrangements for them to be transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 11, 2008** through the Port of Entry at **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and that he was willing to answer questions without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally.